

# Exhibit 2

**CRAIG COSTANZO Non-Confidential  
KEITH FISCHER v GEICO**

**January 10, 2025  
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<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF NEW YORK 3 KEITH FISCHER, MICHAEL ) O'SULLIVAN, JOHN MOESER, LOUIS ) 4 PIA, THOMAS BARDEN, CONSTANCE ) MANGAN, and CHARISE JONES, ) 5 individually and on behalf of all ) others similarly situated, ) 6 ) Plaintiffs, ) 7 ) No. 2:23-cv-2848 -v- ) 8 ) GOVERNMENT EMPLOYEES INSURANCE ) 9 COMPANY d/b/a GEICO, )  ) 10 Defendant. ) 11 12 Friday, January 10, 2025 13 Oral videoconference deposition of CRAIG 14 COSTANZO, held pursuant to Notice via Zoom with all 15 parties participating remotely, commencing at 16 10:00 a.m. Central Time, on the above date, before 17 Andrew R. Pitts, Certified Shorthand Reporter. 18 19 20 21 22 23 24 Andrew R. Pitts, CSR, RPR License No.: 084-4575 25 Esquire Deposition Solutions</p>	<p>1 I N D E X 2 CRAIG COSTANZO EXAMINATION 3 BY MR. TSONIS 5 4 5 E X H I B I T S 6 COSTANZO DESCRIPTION PAGE 7 Exhibit 1 Workday profile for Craig Costanzo, G004533-4588 separate (confidential) transcript 8 9 10 Exhibit 2 Geico HR Associate Handbook, 147 Compensation Contents, G000028-43 11 12 Exhibit 3 2017 Geico Performance Guide &amp; 166 Appraisal for Craig Costanzo, G006638-6642 13 14 Exhibit 4 2019 Geico Performance 183 Appraisal for Craig Costanzo, G006591-6603 15 16 Exhibit 5 2020 Geico Performance 193 Appraisal for Craig Costanzo, G006581-6590 17 18 Exhibit 6 MAP 2 2021 (second half of 206 year) Performance Appraisal, Craig Costanzo, G006623-6626 19 20 Exhibit 7 MAP 2 2022 (second half of 223 year) Performance Appraisal, Craig Costanzo, G006621-6622 21 22 Exhibit 8 Answers to Interrogatories 229 23 Exhibit 9 Geico Human Resources 250 Associate Handbook, G000191-235 24 25</p>
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<p>1 REMOTE APPEARANCES: 2 On behalf of the Plaintiffs: 3 OUTTEN &amp; GOLDEN, LLP 685 Third Avenue - 25th Floor 4 New York, New York 10017 (347) 390-2121 5 Email: zdsouza@outtengolden.com sjean@outtengolden.com 6 BY: ZARKA SHABIR DSOUZA, ESQUIRE SABINE JEAN, ESQUIRE 7 8 On behalf of the Defendant GEICO: 9 DUANE MORRIS, LLP 190 South LaSalle Street - Suite 3700 10 Chicago, Illinois 60603-3433 (312) 499-6779 11 Email: gtsonis@duanemorris.com BY: GREGORY TSONIS, ESQUIRE 12 13 14 ALSO PRESENT: 15 MEGAN SCZYGELSKI, Legal Videographer. 16 17 18 19 20 21 22 23 24 25</p>	<p>1 (Whereupon, the following proceedings were 2 taken via videoconference.) 3 THE VIDEOGRAPHER: Good morning. I am now 4 started the recording, and we are now on the record. 5 The time is 10:01 a.m. Central on Friday, 6 January 10th, 2025. This begins the videoconference 7 deposition of Craig Costanzo taken in the matter of 8 Keith Fischer, et al., versus Government Employees 9 Insurance Company doing business as Geico filed in the 10 United States District Court for the Eastern District 11 of New York, Case No. 23-cv-2848. 12 My name is Megan Sczygelski. I'm your 13 remote videographer today. The court reporter is 14 Andrew Pitts. We are representing Esquire Deposition 15 Solutions. 16 Will everyone present please identify 17 themselves and state who you represent, after which 18 the court reporter will swear in the witness. 19 MS. DSOUZA: Hi. This is Zarka DSouza from 20 the law firm Outten &amp; Golden on behalf of the 21 Plaintiffs. 22 MR. TSONIS: Gregory Tsonis on behalf of 23 Defendant Geico, from Duane Morris LLP. 24 MS. JEAN: Sabine Jean from Outten &amp; Golden 25 on behalf of the Plaintiffs.</p>

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<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. Any other types of documents that 2 you reviewed that you recall? 3 A. I believe a brief look at the employee 4 handbook. 5 Q. The Geico associate handbook? 6 A. Yes. 7 Q. All right. Which portion of the Geico 8 associate handbook do you recall reviewing? 9 A. With regards to HR and report -- making 10 certain reports. 11 Q. How to report things to human resources? 12 A. Yes. 13 Q. Okay. Any other portions of the handbook? 14 A. I don't remember any other. 15 Q. All right. Any other types of documents 16 that you recall reviewing? 17 A. I don't remember any others. 18 Q. Okay. As part of this lawsuit, did you 19 ever produce documents that you have to your lawyers? 20 A. Yes, I did. 21 Q. Okay. And what types of documents did you 22 produce? 23 A. Performance appraisals, some memos, 24 I believe the handbooks. I just packaged up 25 everything I had.</p>	<p style="text-align: right;">Page 19</p> <p>1 just -- everything changed. 2 Q. Okay. And, you know, COVID I understand in 3 a lot of ways is sort of a delineating line. So 4 let's -- let's talk about that. 5 I guess, pre-COVID, I think you said you 6 started in 2014, right? 7 A. Correct. 8 Q. And now I think you said, you know, two or 9 three or four years after you started is when -- 10 I don't want to put words in your mouth, but when, you 11 know, you started to experience some of this increase 12 in case load? 13 A. Correct. 14 Q. Okay. And I guess from that time period to 15 COVID, what is, I guess, the -- the essence of -- of 16 your claims here in this lawsuit? 17 A. Well, when I was hired, they explained what 18 the case load would be and that they had based it on 19 studies, how much work could reasonably be done, and 20 then they just started increasing it seemed like every 21 year additional case load with no explanation on how 22 we were supposed to get it accomplished. 23 Q. Okay. When you say they, who are you 24 referring to? 25 A. I would say SIU management.</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. Got it. And were those documents stored, 2 like, in a file cabinet or a file folder or somewhere 3 specific in your home? 4 A. My desk basically. 5 Q. Got it. So you have like a Geico file on 6 your desk? 7 A. It -- basically my desk is my Geico office. 8 Q. Fair enough. Okay. 9 A. It was -- it was drawers on my desk and -- 10 Q. Okay. Aside from the documents that you 11 have provided to your lawyers, do you have other 12 documents that are relevant to this case? 13 A. No, I don't believe I do. 14 Q. Okay. What do you understand this case to 15 be about? 16 A. It's regarding a period of time when Geico 17 was requiring us to do excessive amounts of work that 18 couldn't possibly be done during the typical 19 eight-hour day and that it was forcing us to have to 20 work additional hours. 21 Q. What period of time was that? 22 A. I would say there's occasionally some, you 23 know, starting probably, I don't know, two or three or 24 four years once I started working here, but my primary 25 concern was -- started during the COVID period when it</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. So -- 2 A. Because they set the goal packages. 3 Q. When you began working for Geico, were you 4 located out of -- well, strike that. 5 When you began working for Geico, what was 6 your job title? 7 A. Senior field investigator, I believe, or 8 senior security investigator. 9 Q. So as a -- does the title, job title 10 outside security investigator sound familiar? 11 A. Yes. 12 Q. All right. And is it your understanding 13 that an outside position within the context that we're 14 talking about refers to a field position? 15 A. Correct. 16 Q. All right. And so you worked out in the 17 field, and you didn't on a day-to-day basis have to go 18 into the office to do your work, right. 19 A. That's correct. 20 Q. All right. But in Geico's system, you were 21 assigned to a specific office, right? 22 A. Yes. 23 Q. Were you assigned out of the what was then 24 the Woodbury office? 25 A. That was my understanding, yes.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. Normally on a day-to-day basis,</p> <p>2 though, you would work either from your home or out in</p> <p>3 the field or some combination of the two, right?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. As an out- -- when you were an</p> <p>6 outside investigator during this time period when you</p> <p>7 started, who was the SIU manager of the Woodbury</p> <p>8 office?</p> <p>9 A. I can't remember his name.</p> <p>10 Q. Was it Mike DeGrocco?</p> <p>11 A. Yes, it was.</p> <p>12 Q. Okay. And do you recall when Mike DeGrocco</p> <p>13 stopped being the SIU manager for the Woodbury office?</p> <p>14 A. No, I -- I couldn't. I don't remember the</p> <p>15 dates.</p> <p>16 Q. All right. That's okay. Again, we'll be</p> <p>17 talking about things that happened several years ago,</p> <p>18 so understandable that you don't recall exact dates,</p> <p>19 but to the extent you can give me your best</p> <p>20 recollection, that's all I'm asking for.</p> <p>21 After Mike DeGrocco, who took over as the</p> <p>22 SIU manager of the Woodbury office?</p> <p>23 A. Bill Newport.</p> <p>24 Q. Okay. How long did Bill Newport serve as</p> <p>25 SIU manager of the Woodbury office?</p>	<p style="text-align: right;">Page 23</p> <p>1 to the sort of pre-COVID time period that we're</p> <p>2 talking about here, throughout that time period, you</p> <p>3 had two SIU managers: We said Bill Newport or prior</p> <p>4 to Mike DeGrocco?</p> <p>5 A. That's correct.</p> <p>6 Q. All right. And you had one supervisor,</p> <p>7 Chet Janik?</p> <p>8 A. That's correct.</p> <p>9 Q. All right. So when you referenced earlier</p> <p>10 that they told you certain things, who were you</p> <p>11 referring to?</p> <p>12 A. Generally it would be either Chet Janik or</p> <p>13 mostly Bill Newport was during the time frame that the</p> <p>14 major changes took place.</p> <p>15 Q. Okay. And, again, we're talking about the</p> <p>16 pre-COVID time period here, so prior to call it</p> <p>17 February or March of 2020, right?</p> <p>18 A. Okay. And that would -- I mean, it was</p> <p>19 mostly through Chet Janik and the establishment of the</p> <p>20 different goal packages.</p> <p>21 Q. So on a yearly basis in your job, you were</p> <p>22 assessed on various criteria; is that right?</p> <p>23 A. Correct.</p> <p>24 Q. All right. And in the time period that</p> <p>25 we're talking about here generally, do you recall what</p>
<p style="text-align: right;">Page 22</p> <p>1 A. I think I answered to him until they put me</p> <p>2 under Renee.</p> <p>3 Q. Do you know Renee's last name?</p> <p>4 A. It's my current manager, and I'm drawing a</p> <p>5 blank on his last name.</p> <p>6 Q. That's okay. And we'll -- this isn't a</p> <p>7 memory test, but there are some documents that I think</p> <p>8 will probably refresh your recollection --</p> <p>9 A. Yes.</p> <p>10 Q. -- help you. So I'm not -- not trying to</p> <p>11 get you to just wrack your brain for no reason. I'm</p> <p>12 just trying to get a certainly general sense of -- of</p> <p>13 the timeline.</p> <p>14 When you started in 2014, do you recall who</p> <p>15 your supervisor was?</p> <p>16 A. Chet Janik.</p> <p>17 Q. All right. And did Chet, Chet Janik,</p> <p>18 continue being your supervisor until he retired?</p> <p>19 A. That's correct.</p> <p>20 Q. Do you recall approximately when Chet</p> <p>21 retired?</p> <p>22 A. I don't want to guess. I don't remember.</p> <p>23 I'm -- '22, '23 something. I don't -- I'm not --</p> <p>24 I don't remember for sure.</p> <p>25 Q. Okay. So in any event, I mean, going back</p>	<p style="text-align: right;">Page 24</p> <p>1 those criteria were?</p> <p>2 A. Well, it changed, but it was bioquality,</p> <p>3 productivity, case life at some point. I feel like</p> <p>4 I'm missing one. Sorry.</p> <p>5 Q. No, that's okay. So when you referenced</p> <p>6 earlier that they changed, I guess do you mean that in</p> <p>7 this time period -- well, strike that.</p> <p>8 So recognizing you started in 2014, do you</p> <p>9 have an understanding as to, I guess, you know, how</p> <p>10 far back the claims that you're making in this lawsuit</p> <p>11 go?</p> <p>12 A. I believe it goes back into 2016.</p> <p>13 Q. Okay. So while I might ask you about 2014</p> <p>14 or 2015 at some point, typically we're talking about,</p> <p>15 I guess, you know, the start of the claims that you're</p> <p>16 asserting in this lawsuit right now until the sort of</p> <p>17 pre-COVID time period, right?</p> <p>18 A. Okay.</p> <p>19 Q. So in that time period, is it accurate to</p> <p>20 say that the categories on which you were rated, which</p> <p>21 I think you said were case life, quality, and</p> <p>22 productivity, didn't change, but that the metrics</p> <p>23 against which you might have been measured in any</p> <p>24 given year did change?</p> <p>25 A. Yes.</p>

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1 A. I think so.  
2 Q. Okay. Your supervisor, I guess, doesn't  
3 know on a day-to-day basis what hours you're working,  
4 right?  
5 A. Not unless we happen to -- I mean, that's  
6 probably correct. Unless we talked about it, there  
7 was a -- we were able to start at different times for  
8 a period and then they kind of set it, set our start  
9 times.  
10 Q. Okay. As a field investigator, though, you  
11 would have the ability generally to flex your schedule  
12 as needed?  
13 MS. DSOUZA: Objection.  
14 You can answer, Craig.  
15 BY THE WITNESS:  
16 A. To some extent. See, it's -- it kind of  
17 got difficult because, as they started implementing  
18 these TIP times, they started -- you know, they kind  
19 of locked you into a schedule because they were  
20 sending you cases that you had to make TIPs relatively  
21 quickly after you got the case. So you were kind of  
22 locked into a -- the schedule, not necessarily set,  
23 but you had to kind of be there during the day time to  
24 manage those TIPs.  
25

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1 BY MR. TSONIS:  
2 Q. What was the time period within which you  
3 had to do those activities, the TIP activities?  
4 A. Well, some of it -- and, again, it changed  
5 so much, but at one point, it was like you're supposed  
6 to be doing something with it, like, in a couple of  
7 hours. It -- it got very confusing because it was  
8 within a couple hours, but then they'd say it's an  
9 overall add all the numbers together kind of thing,  
10 and then they'd average it out. So it was kind of  
11 confusing.  
12 Q. Okay. And we'll talk more about that.  
13 Did you ever notify your supervisor that  
14 you were working overtime but not documenting it in  
15 Geico's timekeeping system?  
16 A. I wouldn't say that I said it exactly like  
17 that. I -- I believe it was more of an "I have to  
18 stay, I have to work past the times to try to meet  
19 these requirements" and that I felt it was not  
20 possible to meet these requirements once they started  
21 giving us the huge volume of cases. There was no way  
22 to do it within the eight-hour day.  
23 Q. Okay. But you never specifically told your  
24 supervisor that you were working time periods but not  
25 logging them in Geico's timekeeping system?

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1 A. I never specifically told him that I was  
2 not logging time into the system, no, I didn't say  
3 that, I don't believe.  
4 Q. Okay. Similarly, you never told any SIU  
5 manager that you were working but not entering certain  
6 periods of time working into the company's timekeeping  
7 system?  
8 A. I believe I made it clear that there was no  
9 way to do this unless I put extra time in. I didn't  
10 specifically say I'm not putting it into the  
11 timekeeping, but I believe I made it clear to them was  
12 that the only way there was working was because we  
13 were putting in extra time.  
14 Q. Who did you make that report to?  
15 A. Bill Newport.  
16 Q. When did you make that -- when did you have  
17 that conversation?  
18 A. I mean, I couldn't tell you specifically  
19 when. I just felt that, you know, the message was  
20 getting crossed that this isn't working. You're  
21 giving us way too many cases to have the expectation  
22 that we're able to do this in eight hours, and the  
23 only way we can get this done is to put extra time in.  
24 Q. Right, but none of your cases -- well,  
25 strike that.

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1 In terms of investigative activities,  
2 there's only a very small number of things that have  
3 to happen, you know, shortly after a case is assigned,  
4 right?  
5 MS. DSOUZA: Objection.  
6 You can answer.  
7 BY THE WITNESS:  
8 A. It's -- well, there's -- there's time  
9 quickly, and then there's number of days to get  
10 certain things entered. And, again, back at that --  
11 during some of that same time frame in the COVID area  
12 there, this was, you know, activities, and they were  
13 grading us on activities.  
14 And we had discussions, "Well, then don't  
15 do -- if you can't get it done, then don't do all the  
16 activities on every case." And we were saying -- I  
17 said to them, "Well, if I don't do the activities, I  
18 get downgraded." So I'm doing activities that don't  
19 need to be done, taking up time that I don't have, to  
20 try to meet the requirements to get the -- you know,  
21 so I don't downgrade.  
22 BY MR. TSONIS:  
23 Q. Right?  
24 A. So, I mean --  
25 Q. But the activities were measured on a

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1 A. Yes, it was.  
2 Q. And those policies are the policies that  
3 are contained in the associate handbook?  
4 A. Yes, it is.  
5 Q. All right. Now, I'm happy to show it to  
6 you if you'd like, but would you agree that each year  
7 you were required to acknowledge and agree to follow  
8 Geico's policies, that you did so?  
9 A. I agree with that, yes.  
10 Q. Okay. And that includes the overtime  
11 eligibility policy that we just reviewed?  
12 A. Yes.  
13 Q. Okay. Just one moment. I'll show you  
14 Exhibit 1 again, just to look at another page that  
15 I think will help guide us in our next discussion  
16 here. This is going back to Exhibit 1. This is the  
17 page that's ending in 4585.  
18 Do you see here there's a Performance  
19 Review section, and it's still your Workday profile?  
20 A. Yes.  
21 Q. All right. And, now, this lists  
22 essentially each review year starting from the  
23 beginning of your employment with Geico to essentially  
24 the most recent, not including the 2024 calendar year  
25 for which there -- the performance review process

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1 hasn't been completed, it lists every other year that  
2 you've worked for Geico here, right?  
3 A. Yes.  
4 Q. All right. And starting in 2014, it shows  
5 that for that initial, your first year with Geico,  
6 which -- when did we say you started with Geico, when  
7 in 2014?  
8 A. August 4th.  
9 Q. Okay. So even though this shows a  
10 January 12th of 2014, you -- you actually only worked  
11 for Geico for, like, four months there, right?  
12 A. Correct.  
13 Q. In the 2014 calendar year?  
14 A. Correct.  
15 Q. All right. And in that year, you received  
16 a 3.8 manager rating, right?  
17 A. Yes.  
18 Q. Then moving forwards very quickly here,  
19 2015, it was a 4.6?  
20 A. Yes.  
21 Q. 2016, a 4.5?  
22 A. Yes.  
23 Q. In 2017, you got a 4.8?  
24 A. Yes.  
25 Q. In 2018, you received a 5?

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1 A. Yes.  
2 Q. 2019, a 4.4?  
3 A. Yes.  
4 Q. And 2020, a 5?  
5 A. Yes.  
6 Q. And 2021 is when I believe Geico instituted  
7 a semi-annual review process, right?  
8 A. I believe so.  
9 Q. Okay. So for the first half of 2021, you  
10 received a 4.8?  
11 A. Yes.  
12 Q. And in the second half of 2021, a 4.7?  
13 A. Yes.  
14 Q. And then for 2022, it looks like there was  
15 some sort of interim review for the first three months  
16 of the year?  
17 A. Yeah, I -- I don't remember --  
18 Q. Do you recall what that was?  
19 A. Nope, I don't remember.  
20 Q. Okay. Oh, in that review for the first  
21 three months of 2022, you received a 4.8, right?  
22 A. Yes.  
23 Q. And in 2022, now going to the standard  
24 semi-annual review process, for the first half, you  
25 received a 4.6?

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1 A. Yes.  
2 Q. And then the second half of 2022, you  
3 received a rating of 5?  
4 A. Yes.  
5 Q. And then in 2023, it shows you as a 4.3; do  
6 you see that?  
7 A. Yes. Yep.  
8 Q. All right. Well, for the first half,  
9 excuse me, of 2023.  
10 And then there's a total year 2023 rating  
11 it shows?  
12 A. Yes.  
13 Q. Do you see that?  
14 Is it your understanding you received a  
15 first half of the year 2023 rating and then one that  
16 encompassed the entire year? I guess I'm just trying  
17 to figure out if this is --  
18 A. I -- I -- I don't know. I've lost track on  
19 how we're even doing business anymore.  
20 MS. DSOUZA: And I have to -- I'd just like  
21 to remind the witness to let counsel complete his  
22 question and before -- before you answer, just so we  
23 have a clean record.  
24 MR. TSONIS: Thank you. And I'm sure the  
25 court reporter thanks you for that too. Sorry.



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1 BY MR. TSONIS:  
2 Q. So, Mr. Costanzo, I guess from 2014  
3 through, you know, midway through 2023, every rating  
4 that you received was essentially, you know, at least  
5 some point above a 4 to a 5 even, right?  
6 A. Yes.  
7 Q. All right. So you were exceeding  
8 expectations in -- for -- in terms of your performance  
9 rating in each of the years from 2016 through 2023, at  
10 least through June 30th?  
11 A. Yes.  
12 Q. Okay. Were you a lead security  
13 investigator the entire time?  
14 A. No, I had started -- I got promoted at a  
15 certain point.  
16 Q. Do you remember when that was?  
17 A. Not offhand, I don't.  
18 Q. What was the change in job duties for when  
19 you were -- well, what was your position before versus  
20 what was it after?  
21 A. Well, it was -- really, the job is  
22 basically the same. At some point prior to getting  
23 the lead investigator, I was assigned to be the  
24 training officer. So I trained the new investigators,  
25 and I was assigned the duties of doing the event data

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1 recorders.  
2 So then they approached me about becoming a  
3 lead investigator since that was what the job, my  
4 understanding was, to do the training and do the event  
5 data recorders, so they ended up promoting me to that.  
6 Q. Okay. And when did you become -- was it  
7 training officer or --  
8 A. It's just they started using me to do the  
9 training. There was no title or anything; it's just  
10 as we were getting new people, he used me to train  
11 them.  
12 Q. When you say he used you to train them, do  
13 you mean Bill Newport or Chet --  
14 A. Chet, Chet Janik.  
15 Q. All right. So you would train other field  
16 investigators?  
17 A. Yes, well, in our -- in our team.  
18 Q. The -- yes, I appreciate the clarification.  
19 So you would train other field  
20 investigators that worked for Chet Janik?  
21 A. Yes.  
22 Q. Okay. When did that start?  
23 A. I don't know the dates. I -- I'd train the  
24 next person and the next couple -- or the next couple  
25 of people. I don't know the dates.

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1 Q. Just approximately, I guess, when did you  
2 begin training other investigators? Regardless of  
3 formal job title, I just mean like when did you start  
4 training people?  
5 A. I -- I don't know the dates. It was  
6 before -- like I said, it was before I became a lead  
7 investigator, but I trained Brian Crozier, Barry  
8 Reifen (phonetic), Tom Bardon, so I think -- I believe  
9 it was those three, but I -- I don't know the dates.  
10 Q. Okay. Was it pre-COVID, post-COVID?  
11 A. Yes, pre-COVID.  
12 Q. Pre-COVID, okay.  
13 And post-COVID, have you trained anyone?  
14 A. No.  
15 Q. There have been new people that have been  
16 hired though, right?  
17 A. Not -- not in our -- our area, not in our  
18 team.  
19 Q. Not in your geographic area or upstate New  
20 York?  
21 A. Right.  
22 Q. There have been other investigators that  
23 have been hired for, like, New York City, for example?  
24 A. Possibly, but I wasn't involved in that.  
25 Q. Okay. So you've only trained people --

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1 well, strike that.  
2 You don't necessarily train, like, every  
3 new field investigator, only certain people that are  
4 geographically close to you?  
5 A. Yeah, only the people that were in Chet  
6 Janek's group.  
7 Q. Okay. What did the training entail?  
8 A. I -- they could come to my office, and we  
9 would learn how to use SICM, how to conduct the  
10 investigations, how to meet the -- the audit criteria,  
11 how the interviews are supposed to take place, how to  
12 do the recordings.  
13 You know, Brian Crozier was a little  
14 different because he was transferring in from damage  
15 adjusters, so he knew the Geico stuff. I just had to  
16 teach him the SICM stuff and -- and the requirements  
17 for that. So it depended, but --  
18 Q. Would they go out into the field with you?  
19 A. Yes.  
20 Q. All right. And when you say they would  
21 come to your office, like, would they literally come  
22 over to your house?  
23 A. Yep.  
24 Q. Okay. Some of these individuals, it sounds  
25 like, like Brian, already worked for Geico, and so you

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<p style="text-align: right;">Page 162</p> <p>1 needed to teach them more about the, you know, SIU</p> <p>2 tech and the investigative side; is that fair?</p> <p>3 A. That's correct.</p> <p>4 Q. And some people, like yourself, were maybe</p> <p>5 former law enforcement who are pretty well versed in</p> <p>6 investigation or investigative tactics, but not</p> <p>7 necessarily on the Geico ways of doing things?</p> <p>8 A. Correct.</p> <p>9 Q. Right. In terms of the using systems,</p> <p>10 I think you mentioned system. Were there -- oh, it's</p> <p>11 SICM, excuse me, S-I-C-M for the court reporter.</p> <p>12 Would there be other systems that you talked to them</p> <p>13 about?</p> <p>14 A. Yes.</p> <p>15 Q. Which ones?</p> <p>16 A. We would do TLO for background searches;</p> <p>17 ISO, which is through NICB for claims searches;</p> <p>18 there's a DRN, which is vehicle citing searches; teach</p> <p>19 them how we do the social media searches. There's</p> <p>20 Carfax to do the vehicle histories. There's different</p> <p>21 things within Geico to how to do license plate</p> <p>22 searches. I'm sure I'm missing some stuff, but</p> <p>23 there's different systems that we -- we need to get</p> <p>24 into to do certain searches.</p> <p>25 Q. Okay. And generally, I guess, you would be</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. Okay. And Tom Darden, I think you said?</p> <p>2 A. Bardon.</p> <p>3 Q. Bardon, excuse me. I can't read my own</p> <p>4 handwriting. Bardon?</p> <p>5 A. It's -- yeah.</p> <p>6 Q. So what would you instruct them regarding</p> <p>7 the entry of their time in Workday?</p> <p>8 A. 7.75. I mean, that's what you put in for</p> <p>9 your -- each work day.</p> <p>10 Q. Did you ever instruct them that they had to</p> <p>11 enter in only the time that they actually worked?</p> <p>12 A. No. I mean, we put in 7.75 unless --</p> <p>13 I mean, unless you were getting paid overtime, then</p> <p>14 you would put in the overtime, but --</p> <p>15 Q. Sure. Did you ever tell any of those</p> <p>16 individuals that you worked additional hours but</p> <p>17 didn't log it into Workday?</p> <p>18 A. I never had that conversation with them.</p> <p>19 Q. Okay. Did you ever explain to them, "Hey,</p> <p>20 you know, the workload, sometimes you can't keep up,"</p> <p>21 and instruct them in any way?</p> <p>22 A. I don't remember that conversation, but</p> <p>23 I -- I -- if I did, I think I would have just said,</p> <p>24 you know, "If there's issues, you got to go to your</p> <p>25 supervisor and talk to them."</p>
<p style="text-align: right;">Page 163</p> <p>1 teaching them, like, what the expectations are, how to</p> <p>2 do the job of field investigator?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. In terms of schedule and the ability</p> <p>5 to change your schedules, would you talk to them about</p> <p>6 that?</p> <p>7 A. I think so. I believe we talked some of</p> <p>8 that, yes.</p> <p>9 Q. Okay. And, I guess, would you tell them</p> <p>10 that they had, you know, the ability to set their own</p> <p>11 sort of schedule for any given day of what they were</p> <p>12 going to do and when they would start their day?</p> <p>13 A. I -- I guess I would tell them how I did</p> <p>14 things. I mean, really, that's more of a supervisor's</p> <p>15 telling them what they can do and can't do. I didn't</p> <p>16 get into it a lot. I think it was kind of work that</p> <p>17 out with the supervisor what your general schedule</p> <p>18 would be or when you're making changes.</p> <p>19 Q. Okay. And similarly, particularly if it's</p> <p>20 not someone that came from Geico, you'd cover time</p> <p>21 entry with them and how to enter their time?</p> <p>22 A. Yes.</p> <p>23 Q. All right. And I take it you did that</p> <p>24 for -- was it Marty ^Reifen you said?</p> <p>25 A. Yeah, I think that's how it was -- yes.</p>	<p style="text-align: right;">Page 165</p> <p>1 Q. Did you train them that if they needed</p> <p>2 overtime, if there was a business reason for it, they</p> <p>3 could request it from their supervisor?</p> <p>4 A. No, because I don't think that that was</p> <p>5 necessarily the deal. It depends on when they were</p> <p>6 getting trained for what the rules were.</p> <p>7 Q. Well, we're talking about the pre-COVID</p> <p>8 time period, it sounds like?</p> <p>9 A. Yeah. I mean, under Chet, I guess it's --</p> <p>10 you pretty much have to talk to Chet about it if</p> <p>11 there's issues where it's going to be more time, then</p> <p>12 just talk to him and work it out. I didn't want to</p> <p>13 speak for him.</p> <p>14 Q. Right. But you told them that if they had</p> <p>15 any issue that required them to work additional hours</p> <p>16 that they could make that request and discuss it with</p> <p>17 their supervisor?</p> <p>18 A. Yes, I -- I think I -- I think I would have</p> <p>19 said something to that effect, yes.</p> <p>20 Q. Okay. You didn't instruct them that they</p> <p>21 could enter time into Workday -- or excuse me. Strike</p> <p>22 that.</p> <p>23 You didn't instruct them that they could</p> <p>24 work additional hours, but they shouldn't enter it</p> <p>25 into Workday?</p>



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1 A. No, I did not.  
2 Q. Okay. I want to look for a moment -- I'm  
3 going to stop sharing this. I will mark -- look at  
4 what's going to be marked as Exhibit 3.  
5 (Whereupon, Costanzo Exhibit 3 was  
6 presented.)  
7 MR. TSONIS: I'll share my screen.  
8 BY MR. TSONIS:  
9 Q. Have you seen this document before,  
10 Mr. Costanzo?  
11 A. Yes, I believe I have.  
12 Q. What is this document?  
13 A. This is our performance appraisal forms.  
14 Q. Okay. And this is the performance of --  
15 your performance guide and appraisal form for the  
16 rating period January 1, 2017 to December 31st, 2017?  
17 A. Yes.  
18 Q. Okay. And that's your name written on  
19 here, right?  
20 A. Yes.  
21 Q. And it shows your supervisor as Mr. Janik?  
22 A. Yes.  
23 Q. Now, this is the sort of 1 through 5 rating  
24 period that we were -- or rating scale, excuse me,  
25 that we talked about earlier, right?

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1 A. Yes.  
2 Q. All right. And there's a -- under the  
3 fully trained associate scale sort of a 5 is someone  
4 that consistently exceeds all standards and goals?  
5 A. Yes.  
6 Q. A 4 is someone that consistently meets and  
7 often exceeds standards or goals?  
8 A. Yes.  
9 Q. And then a 3 is someone that consistently  
10 meets standards or goals?  
11 A. Yes.  
12 Q. All right. So if you look at the second  
13 page -- and, again, this is a document that's Bates  
14 stamped G006638 going down to 6642, but I want to look  
15 at the second page first.  
16 Now, it shows Section 1 is Goal Setting; do  
17 you see this?  
18 A. Yes.  
19 Q. And this shows Performance Goals, and then  
20 there's three different parts here that are listed; do  
21 you see that?  
22 A. Yes.  
23 Q. Now, the first is Average Case Life, right?  
24 A. Yes.  
25 Q. And in parentheses, it says "non EUO

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1 cases"; do you see that?  
2 A. Yes.  
3 Q. It was your understanding that any case  
4 that required an examination under oath would  
5 automatically be excluded from a calculation of  
6 average case life?  
7 A. Yes.  
8 Q. All right. And that was done because of  
9 the unpredictability of when or whether a policyholder  
10 would actually appear for an examination under oath?  
11 A. I believe so.  
12 Q. Okay. Now, the weight for this metric was  
13 20 percent?  
14 A. Yes.  
15 Q. Right. So -- and, again, I'm skipping  
16 ahead a little bit, but there's a 40 percent weight  
17 for productivity and a 40 percent weight for quality  
18 and a 20 percent weight for average case life, right?  
19 A. Yes.  
20 Q. All right. So your -- you understood that  
21 your performance was being weighted or assessed, you  
22 know, with those weights, that productivity was 40 out  
23 of -- 40 points out of 100, let's say, right?  
24 A. Yes.  
25 Q. All right. So the average case life, to be

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1 a 5, your average case life would have to be below a  
2 7.0, it shows?  
3 A. Yes.  
4 Q. And 7.0 is a number of days that a case is  
5 open?  
6 A. Yes.  
7 Q. All right. And then similarly, and we  
8 don't have to go through all the ranges, but it shows  
9 different ranges for days for a 4, 3, 2, and a 1,  
10 right?  
11 A. Yes.  
12 Q. And if your average case life was above 19  
13 days, then you would be rated a 1?  
14 A. Yes.  
15 Q. Similarly, under Quality, right, there's  
16 a -- in addition to the weight, there's sort of a  
17 metrics here, like a 5 is above a 96.1, right?  
18 A. Yes.  
19 Q. So we talked earlier, there's sort of an  
20 assessment of any case that is subject to an audit  
21 that is made, and then audit -- like a score is  
22 generate for how many of the things that you needed to  
23 do you did correctly, right?  
24 A. Yes.  
25 Q. All right. So this is kind of like a --

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1 correct transcript of the remote videoconference  
2 testimony so given by said witness as aforesaid.

3 I further certify that the signature to the  
4 foregoing deposition was reserved by counsel for the  
5 Deponent. I further certify that the taking of this  
6 deposition was pursuant to Notice, and that there were  
7 present via videoconference at the deposition the  
8 attorneys hereinbefore mentioned.

9 I further certify that I am not counsel for nor  
10 in any way related to the parties to this suit, nor am  
11 I in any way interested in the outcome thereof.

12 IN TESTIMONY WHEREOF: I have hereunto set my  
13 hand and affixed my seal this 14th day of January,  
14 2025.

15 Andrew R. Pitts  
16

17 ANDREW R. PITTS, CSR, RPR  
18 CSR, COOK COUNTY, ILLINOIS  
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